

Burning

OPEN BURNING - 326 IAC 4-1

Open burning is generally prohibited. If it is determined that there is no alternative to the burning of woody material, then an Open Burning Variance must be obtained from the Indiana Department of Environmental Management. For INDOT projects involving clearing of less than 4 (1.6 ha) acres, the contractor must obtain a variance. For projects clearing greater than 4 acres, INDOT will obtain the variance. Fires must be attended at all times until completely extinguished. No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc. **Clark, Floyd, Lake and Porter counties have an air quality problem and will not allow any open burning variances.** Some cities will have additional local restrictions. Additional information can be found in Operating Procedure 13 which is attached.

IAC 326-4-1-3 Exemptions

- (a) *IC 13-1-1.2 [IC 13-1-1.2 was repealed by P.L.1-1996, SECTION 99, effective July 1, 1996.] exempts certain types of open burning for maintenance purposes listed as follows:*
- (1) A person may open burn the following:
 - (A) Vegetation from:
 - (i) a farm;
 - (ii) an orchard;
 - (iii) a nursery;
 - (iv) a tree farm; or
 - (v) a drainage ditch.
 - (B) Wood products derived from pruning or clearing a roadside by a county highway department. ***(This does not include INDOT)***
 - (C) Wood products derived from the initial clearing of public utility rights-of-way as the open burn occurs in an unincorporated area.
 - (D) Undesirable:
 - (i) wood structures on real property; or
 - (ii) wood remnants of the demolition of a predominantly wooden structure originally located on real property; located in an unincorporated area.
 - (E) Clean petroleum products for the purpose of maintaining or repairing railroad tracks, including the railroad rights-of-way, but not including railroad ties.
 - (2) All open burning that is allowed under this subsection must comply with the following conditions:
 - (A) A person who open burns shall extinguish the fire if the fire creates a nuisance or fire hazard.

- (B) Burning may not be conducted during unfavorable meteorological conditions such as:
 - (i) high winds;
 - (ii) temperature inversions; or
 - (iii) air stagnation.
 - (C) All fires must be attended at all times during burning until completely extinguished.
 - (D) All asbestos-containing materials must be removed before the burning of a structure.
 - (E) Asbestos containing materials may not be burned.
- (b) The types of fires identified in subsection (c) are allowed under this rule. Unless specified otherwise, the following conditions apply to any fire allowed by this subsection:
 - (1) Fires must be attended at all times and until completely extinguished.
 - (2) If at any time a fire creates:
 - (A) a pollution problem;
 - (B) a threat to public health;
 - (C) a nuisance; or
 - (D) a fire hazard;
 it shall be extinguished.
 - (3) No burning shall be conducted during unfavorable meteorological conditions such as:
 - (A) high winds, temperature inversions, or air stagnation; or
 - (B) when a pollution alert or ozone action day has been declared.
 - (4) All burning shall comply with other federal, state, and local laws, rules, and ordinances.
 - (5) Adequate fire fighting equipment shall be on-site for extinguishing purposes during burning times.
 - (6) Burning shall be conducted during daylight hours only, and all fires shall be extinguished prior to sunset.
- (c) The following types of fires are allowed:
 - (1) Recreational or ceremonial fires, such as fires for scouting activities, and fires used for cooking purposes, such as camp fires, subject to the conditions in subsection (b)(1) through (b)(5) and the following conditions:
 - (A) Only clean wood products, paper, charcoal, or clean petroleum products may be burned.
 - (B) The local fire department and health department must be notified at least twenty-four (24) hours prior to any burning where the size of the pile being burned is more than one hundred twenty-five (125) cubic feet.
 - (C) Fires shall not be ignited prior to two (2) hours before the recreational activity is to take place and shall be extinguished upon conclusion of the activity.
 - (D) The pile to be burned shall be less than or equal to one thousand (1,000) cubic feet and only one (1) pile may be burned at a time.
 - (E) The fires shall not be used for disposal purposes.

- (F) Fires shall not take place within five hundred (500) feet of any fuel storage area or pipeline.
- (2) Private residential burning, where the building contains four (4) or fewer dwelling units. Burning is prohibited in apartment and condominium complexes and mobile home parks. Beginning June 23, 1995, residential open burning is prohibited in the counties listed in section 4.1(c) of this rule. Burning shall be subject to the conditions in subsection (b) and the following conditions:
 - (A) Burning shall be in a noncombustible container that is:
 - (i) sufficiently vented to induce adequate primary combustion; and
 - (ii) has enclosed sides and a bottom.
 - (B) Only clean wood products and paper may be burned.
- (3) Waste oil burning where waste oil originates from spillage during testing of an oil well and has been collected in a properly constructed and located burn off pit as prescribed in 310 IAC 7-1-37(a) in the department of natural resources (DNR) rules, oil and gas operations. Burning shall be subject to the conditions in subsection (b) and the following conditions:
 - (A) Each oil pit may be burned once every two (2) months.
 - (B) The fire must be extinguished within thirty (30) minutes of ignition.
- (4) DNR burning, to facilitate prescribed burning on DNR-controlled properties for wildlife habitat maintenance, forestry purposes, natural area management, and fire fighting or prevention; United States Department of the Interior burning, to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore, for example; and United States Department of Agriculture, Forest Service burning, to facilitate wildlife habitat maintenance, forestry purposes, natural area management, ecosystem management, and fire-fighting or prevention. Burning, shall be subject to conditions in subsection (b)(1) through (b)(5) and the following conditions:
 - (A) If the fire creates a nuisance, fire hazard, or pollution problem, it shall be extinguished.
 - (B) No burning shall be conducted during unfavorable meteorological conditions, such as high winds, temperature inversions, or air stagnation or when a pollution alert or ozone action day has been declared.
 - (C) Only vegetation and clean petroleum products may be burned. Burning by the U.S. Forest Service for fire fighting or prevention is not subject to the conditions in subsection (b) or this subdivision.
- (5) Burning of marijuana by federal, state, and local law enforcement offices. Burning shall be subject to the conditions in subsection (b) and only clean petroleum products shall be used for ignition purposes.
- (6) Burning, for the purpose of heating, using clean wood products or paper in a noncombustible container that is sufficiently vented to induce adequate primary combustion, and has enclosed sides and a bottom. Burning shall be subject to the conditions in subsection (b)(1) through (b)(5) and the following conditions:
 - (A) Burning shall only occur between October 1 and May 15.
 - (B) Burning shall not be conducted for the purpose of disposal.

- (7) Burning of vegetation by fire departments and firefighters to create fire breaks for purposes of extinguishing an existing fire. Such burning is not subject to the conditions in subsection (b).
- (8) Burning of clean petroleum products for fire extinguisher training, subject to the conditions in subsection (b) and the following conditions:
 - (A) The local fire department and health department must be notified at least twenty-four (24) hours in advance of the date, time, and location of the burning.
 - (B) All burning shall take place in a noncombustible container or enclosure, enclosed on all sides with a bottom.
 - (C) A total of no more than fourteen (14) gallons of fuel may be burned per day.
 - (D) Only one (1) fire may be allowed to burn at a time.
 - (E) All burning shall be conducted in such a manner so as to prevent any possibility of soil contamination.

.(Air Pollution Control Board; 326 IAC 4-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2419; filed May 24, 1995, 10:00 a.m.: 18 IR 2408; filed Jul. 30, 1996, 2:00 p.m.: 19 IR 3341).

326 IAC 4-1-4.1 Open burning approval; criteria and conditions

Sec. 4.1.

- (a) Burning not exempted by section 3 or 4 of this rule may be authorized by the issuance of an approval by the commissioner or the commissioner's designated agent after consideration of an approval application. Such burning may be authorized for, but not limited to, the following:
 - (1) Burning for the purpose of fire training.
 - (2) Burning of natural growth derived from a clearing operation, such as removal of natural growth for change in use of the land.
 - (3) Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is hazardous.
 - (4) Burning of clean wood products.
 - (5) Burning of natural growth for the purpose of land management.
- (b) The following criteria may be considered for approval under this section:
 - (1) The applicant has demonstrated that alternative methods for disposal are impractical or prohibitively expensive.
 - (2) There are not more than five (5) residences or structures within five hundred (500) feet of the proposed burning site.
 - (3) There have been no open burning violations at the site of the proposed burning or by the applicant.
 - (4) If the application involves a structure for fire training, the structure has not been demolished prior to training activities.
 - (5) The burning site is located in a county not designated as a nonattainment area for PM₁₀ or ozone. The commissioner or the commissioner's agent may allow open burning in such nonattainment areas, subject to conditions necessary to protect air quality.

- (c) No approval shall be granted at any time for residential burning in Clark, Floyd, Lake, or Porter County.
- (d) Any approval shall be subject to the following conditions unless otherwise stipulated in the open burning approval letter:
 - (1) Only clean wood products shall be burned.
 - (2) No asbestos-containing material shall be burned.
 - (3) No burning shall be conducted during unfavorable meteorological conditions, such as:
 - (A) high winds, temperature inversions, or air stagnation; or
 - (B) when a pollution alert or ozone action day has been declared.
 - (4) Burning shall be conducted during daylight hours only and all fires shall be extinguished prior to sunset.
 - (5) If at any time the fire creates:
 - (A) an air pollution problem;
 - (B) a threat to public health;
 - (C) a nuisance; or
 - (D) a fire hazard;the burning shall be extinguished.
 - (6) The local fire department and health department must be notified at least twenty-four (24) hours in advance of the date, time, and location of the burning.
 - (7) The approval letter shall be made available at the burning site to state and local officials upon request except during emergency burning.
 - (8) Adequate fire fighting equipment shall be on-site for extinguishing purposes during burning times.
 - (9) No burning shall take place within:
 - (A) one hundred (100) feet of any structure or power line; or
 - (B) three hundred (300) feet of a frequently traveled road, fuel storage area, or pipeline.
 - (10) Fires must be attended at all times until completely extinguished.
 - (11) All burning must comply with other federal, state, or local laws, regulations, or ordinances, including 40 CFR 61 Subpart M* (National Emissions Standards for Asbestos).
 - (12) No waste that is regularly generated as a result of a routine business operation shall be burned.
 - (13) The material to be burned shall not exceed one thousand (1,000) cubic feet.
- (e) An approval letter shall be valid for no longer than one (1) year from the date of issuance. However, an approval letter may be valid for as long as five (5) years if the approval application is accompanied by an open burning plan. The plan shall:
 - (1) contain a description of the open burning proposed for the period of time for which an approval letter is sought; and
 - (2) be incorporated as a condition of the approval letter under subsection (d) or (f).Any change in the plan must receive an additional approval letter, unless the change is to reduce open burning, or the change is to conduct burning exempted under section 3 of this rule. The plan shall be available for review upon the request by the department.

- (f) The commissioner or the commissioner's designated agent may add conditions to an approval letter, as necessary, to prevent a public nuisance or protect the public health or the environment. Such conditions may be based on local air quality conditions, including whether the area is a nonattainment county as defined in 326 IAC 1-4-1 or has been redesignated from nonattainment to attainment status.
- (g) A decision on the open burning approval letter is subject to IC 4-21.5 (Administrative Orders and Procedures Act). (*Air Pollution Control Board; 326 IAC 4-1-4.1; filed Jul. 30, 1996, 2:00 p.m.: 19 IR 3343*)

AIR CURTAIN DESTRUCTOR (BURNING)

An air curtain consists of two long pipes constructed into a “T” shape which is positioned next to a pit in the ground with approximately 12 to 15 ft. depth and 10 ft. width. The length of the pit is a function of the length of the pipe. A fan is connected at the end of the “T” shape and forces air through a slit at the other end. This curtain of air is blown into the pit where the burning of the woody material should be maintained below the curtain of air. A completed application and \$50 fee must be submitted at least 30 days before operation begins to the Indiana Department of Environmental Management (IDEM) to obtain an approval letter which must remain at the air curtain destructor site at all times. Only untreated wood products shall be burned. The air curtain destructor shall be located no less than 250 feet from any private residence, public roadway, power line, or structure, no less than 500 feet from any pipeline or fuel storage area, and within 1,000 feet of a landfill or transfer station. A list of approval conditions follows.

326 IAC 4-1-7 Air curtain destructors; approval conditions

Sec. 7.

- (a) To obtain an air curtain destructor letter of approval, the owner or operator shall ensure that installation and operation of such air curtain destructor will comply with subdivisions (1) through (22) as follows. Burning shall be terminated immediately at any air curtain destructor site that does not comply with this section.
 - (1) Only untreated wood products shall be burned, except for minimal amounts of uncontaminated petroleum products that may be used for ignition.
 - (2) Burning shall not be conducted during unfavorable meteorological conditions, such as high winds or air stagnation or when a pollution alert or ozone action day has been declared.
 - (3) The air curtain destructor shall not be operated prior to one (1) hour after official sunrise, the fire shall not be fed after two (2) hours before official sunset, the fire must be completely extinguished by official sunset, and at least one (1) foot of dirt must be placed over the ashes in the pit by official sunset.
 - (4) An air curtain destructor site shall be located no less than two hundred fifty (250) feet from any private residence, public roadway, power line, or structure, and no less than five hundred (500) feet from any pipeline or fuel storage area.
 - (5) An air curtain destructor site shall not be located within one thousand (1,000) feet of a landfill or transfer station as defined in 329 IAC 2-2-1 [*sic.*, 329 IAC 2-2-1 was repealed filed March 14, 1996, 5:00 p.m.: 19 IR 1970.].
 - (6) An air curtain destructor shall not be permanently located at any site.
 - (7) An air curtain destructor shall be attended at all times while burning and until combustion is complete. Adequate fire fighting equipment shall be maintained at an air curtain destructor site at all times during operation.
 - (8) Burning shall not create or contribute to:
 - (A) an air pollution problem;
 - (B) a nuisance; or

- (C) a fire hazard.
- (9) An air curtain destructor and pit shall be maintained and operated according to the manufacturer's specifications and recommendations.
- (10) The fan blades of the air curtain destructor shall be regularly cleaned to reduce buildup of dirt and debris.
- (11) All canisters must be properly aligned, connected, and maintained so as to prevent leaks between adjacent canisters.
- (12) The nozzles must be maintained in good working condition. The minimum average velocity at the nozzle must be nine thousand fifty (9,050) feet per minute, and the air flow at the nozzle must be a minimum of seven hundred fifty (750) cubic feet per minute per foot of length.
- (13) The engine running the air curtain destructor fan must be maintained in proper working condition.
- (14) The width of the pit shall not extend beyond the length of the nozzle action.
- (15) The distance from the air curtain destructor to the opposite wall of the pit shall not exceed ten (10) feet.
- (16) The depth of the pit shall be of such distance to allow all burning material to be below the curtain of air created by the air curtain destructor.
- (17) All nozzles shall be aligned and directed toward the opposite wall so that the air strikes the opposite wall at least three (3) feet below the grade upon which the air curtain destructor is located so that the air tumbles in the pit.
- (18) The air curtain destructor shall not be at a higher elevation than the elevation of the opposite wall.
- (19) The pit shall be enclosed on four (4) sides, and the walls shall be perpendicular to level ground.
- (20) Material being loaded into the pit shall be picked up and dropped into the pit, and at no time shall the material protrude through the curtain of air while burning.
- (21) The approval letter shall be made available at the burning site to state or local officials upon request.
- (22) The owner or operator of an air curtain destructor shall provide twenty-four (24) hour notification in advance to the local fire department and the local health department of the dates and times that the air curtain destructor will be in operation.
 - (b) An air curtain destructor letter of approval shall be valid for no longer than one (1) year.
 - (c) The commissioner or the commissioner's designated agent may add conditions to an air curtain destructor letter of approval as necessary to prevent a public nuisance or protect the public health.
- (d) A decision on the air curtain destructor letter of approval is subject to IC 4-21.5 (Administrative Orders and Procedures Act (AOPA)).

ALTERNATE METHOD OF DISPOSAL

Alternate methods of disposal of woody material may include the following:

1. Chipping where natural growth is to be disposed of.
2. Burying the material on site. To ensure compliance with rules, contact should be made with the Office of Solid and Hazardous Waste.
3. Recycling material where appropriate and practical.
4. Windrowing natural growth or allowing the material to remain on site.
5. Use of an air-curtain open-pit incinerator when prior written approval is received by the applicant from the Department of Environmental Management. Appropriate request form available upon request.
6. Allowing fire wood to be removed from natural growth pile.

ASBESTOS BURNING

Asbestos is a mineral with long, thin fibrous crystals. Its strength and the unique property of having a high melting point made asbestos an ideal material for many products, especially insulation and fireproofing. Because of its resistance to heat, asbestos is not destroyed in the fire and will become airborne when liberated from its confining matrix. The asbestos fibers are microscopic and entrainment in the air presents a health hazard to the respiratory system. Construction projects may involve exposure to asbestos with building renovation/demolition or burning. Asbestos material has been found in approximately 20% of all buildings. It is most likely to occur in buildings built between 1950 and 1975. 326 IAC 4-1-3 (a) (2) (E) states that all asbestos containing materials must be removed before the burning of a structure.

Request for Variance From 326 IAC 4-1

Please complete the following and return to the Department of Environmental Management, P.O. Box 6015, Indianapolis, Indiana 46206-6015, 60 days prior to the proposed burning date. A list of names & addresses of all parties within 500 feet of the burning site, and of any other interested persons should accompany the application. If there are no interested parties, this should be indicated. See AAA guidelines attached. When submitting your application, you should contact the local health department, and inform them of your intent.

Please Complete the Following

Type of Variance: Fire Training _____ Open Burning X
Person Making Request: Name Janice Osadczuk Daytime Telephone (317) 232-5112
Address Indiana Department of Transportation 100 N. Senate Ave. Room N848
City Indianapolis **State** IN **Zip Code** 46204-2218

Person, Contractor, or Department Conducting Burn (if Different) Name _____ Daytime Telephone (____) ____-____
Address _____
City _____ State IN Zip Code _____

Site Location Address _____
City _____ County _____

Material To Be Burned: Prairie Grasses
Projected Burning Dates(s): _____ **Total # Hours of Burning Time** _____

If Requesting a Variance To Conduct Fire Training, Purpose of Training _____
Type of Equipment to be used _____
What is the : Number of Men Involved _____

If Requesting a Variance To Open Burn, What is the : Number of Acres if Land Clearing _____ Or Total Cubic Feet _____
Cost of Open Burning \$ _____ Chipping \$ _____ Burying on Site \$ _____
Hauling To An Approved Landfill \$ _____ Air-Curtain Incinerator \$ _____
Other (Specify) _____ \$ _____

Reasons, Other Than Costs, Why Alternate Methods of Disposal Are Undesirable Burning Prairie Grasses reduces soil erosion, improves water quality by reducing chemical pesticide use, and improves habitat for wildlife

Type of Fire Control Equipment To Be on Site or Fire Department Having Jurisdiction _____

I, hereby, certify that the information submitted above is accurate to the best of my knowledge.

Signature _____ Date ____/____/____

Type or Print Name _____ Title _____

IDENTIFICATION OF POTENTIALLY AFFECTED PERSONS

Please read the attached letter from the Assistant Commissioner, and list here any persons whom you have reason to believe have a substantial or proprietary interest in this matter, or could otherwise be considered to be potentially affected under the law. Failure to notify a person who is later determined to be potentially affected could result in voiding our decision on procedural grounds. To ensure conformance with the Administrative Orders and Procedures Act and to avoid reversal of a decision, please list all such parties. Use additional sheets if necessary.

Name _____
 Street _____
 City, State, Zip _____

Name _____
 Street _____
 City, State, Zip _____

Name _____
 Street _____
 City, State, Zip _____

Name _____
 Street _____
 City, State, Zip _____

Name _____
 Street _____
 City, State, Zip _____

Name _____
 Street _____
 City, State, Zip _____

Check Appropriate Box

____ Portable Source Relocation
☒ Variance
 ____ Other

Address of Site: _____
 Street _____
 City _____

Please complete this form by signing the following statement:

I certify that to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5, known to me. If none are listed it signifies that no such parties are known.

Signature _____

Printed Name _____

Company _____

Date _____

REMOVAL AND DISPOSAL OF MATERIAL AND OBJECTS FROM THE RIGHT-OF-WAY

POLICY

In order to properly maintain the highway right-of-way, downed trees, foreign objects, trash, waste material, and other similar items which will adversely affect traffic safety and general appearance will be removed and disposed of from highway right-of-way.

PROCEDURE

1. All tree trimming and tree removal shall be in accordance with provisions of operating procedure #14 and as further directed:
 - (a) On limited access right-of-way and rest areas the District Landscape Supervisor will be responsible for all tree trimming and tree removal. His approval must be obtained before any work is done.
 - (b) On all other highways a reasonable effort will be made to contact the adjacent landowner and provide him with the first priority for possession of the usable wood. In the event the landowner wants the wood, it will be left at the job site on the landowner's property off the right-of-way, for removal by landowner in the same size pieces as are placed on trucks for loading. The tree trunks and limbs will be cut into lengths necessary for loading. A "reasonable effort" shall be a personal contract at the residence on the landowner's property with either the owner or tenant. If there is no one at home a note will be attached to the front door. The contact and/or note will be twenty-four (24) hours before the tree is removed.
 - (c) If the landowner does not want the wood or cannot be contacted with reasonable effort, the wood will be hauled to the nearest unit center, or to the nearest roadside park, and placed outside the fence in an area readily accessible to the public, such as the employee's parking lot. A sign shall be erected identifying it as "Free Wood." The wood could be taken by anyone. It will not be loaded or taken in state vehicles or on an employees work time.
2. Removal and disposal of foreign objects, animals, fowls and other similar items:
 - (a) The Indiana State Police and/or local law officials will be contacted in an attempt to find the owner. If the owner can be identified, any such item will be turned over to the rightful owner. Costs incurred in removal of the item(s) will be paid by the owner prior to return of the item. The Account Receivable Section of the Division of Accounting and Control shall be notified of the owner's name, costs incurred and a brief explanation so than an account receivable can be established. The owner should make out a check to the Indiana Department of Transportation

for the total costs incurred. This check shall be sent immediately to the Agent Cashier in the Division of Accounting and Control with a brief explanation.

- (b) If the owner cannot be identified the foreign objects and other items will be placed in the next 210 sale.
- (c) When the owner cannot be identified:

Live animals, fowls or other perishable objects shall be sold at market price to the nearest place of business dealing in the item. Payment will be made by check made out to the Indiana Department of Transportation. This check shall be immediately forwarded to the Agent Cashier, Division of Accounting and control with a brief explanation. A copy should be forwarded to the subdistrict or district for their file.

- 3. Dead animals and fowls will be disposed of as trash or buried. If a dead deer is found, the local conservation officer will be notified. If he is not available, contact will be made to the local law enforcement officer.
- 4. The removal of items left on the right-of-way as the result of a wreck or accident shall be the responsibility of the owner. If the owner refuses to remove these items, the Indiana Department of Transportation will remove and dispose of them, and keep a complete record of all costs which will include man-hours and equipment hours, cost of disposal and traffic control. These costs should be documented (by the Subdistrict or District) on Form M-54, State Form 35480, Worksheet - Damage to State Property. The district should send this form and a copy of the State Police Report to the Division of Accounting and Control for further processing.
- 5. Soil, aggregate, asphalt paving material or broken concrete, removed as part of routine maintenance activities, shall be disposed per Operating Procedure #16 and Procedure #21.

Disposal of waste materials shall be at the discretion of the subdistrict manage. Disposal shall be by that method which is most advantageous to the Indiana Department of Transportation.

COMMENTS

This procedure shall be in effect on receipt of or no later than May 20, 1991.

PROCEDURE FOR TREE TRIMMING AND REMOVAL, AND FOR CONTROL OF WOODY
VEGETATION

POLICY

The department shall maintain or control woody vegetation and trees within the right-of-way, to improve safety for the motorist and to control the spread of vegetation onto adjacent property while considering aesthetic benefits from this vegetation.

IMPLEMENTATION

Improve safety of the motoring public will be promoted by controlling woody vegetation and trees within certain minimum distances from the edges of roadsides as further set out in sections A-D below.

A. Highway with greater than 40' distance from the edge of pavement to the right-of-way line (interstate and freeway type facilities).

1. No tree form vegetation will be permitted between the edge of the pavement and a point 8' beyond the bottom of the ditch line unless protected by guardrail. Volunteer trees within this area should not be allowed to reach a diameter of 4" at the ground line. This applies to both median and outside shoulders. Where road sections do not have the minimum 40' distance. Refer to section 2(b).
2. Trees shall not be allowed to grow into any right-of-way area from which they could fall onto roadway or ramps.
3. No tree form woody vegetation located between, under or adjacent to bridges will be allowed to reach a height even with the bottom of the superstructure.
4. Trees and brush will not be allowed to grow into, or clog ditches or other drainage ways.
5. Shrub form woody vegetation shall not be permitted within 30' of the edge of pavement, unless included as part of a formal landscape planting or protected by guardrail.

B. Highway with 10-40 foot distance from edge of pavement to right-of-way line.

1. No woody vegetation shall be permitted from the edge of the pavement to within 8 feet of the bottom of the ditch line on the backslope. Shrub form

woody vegetation may be permitted in this area if protected by guardrail. Distances on the backslope may be less depending on width of right-of-way. Distances from the bottom of the ditch may also be reduced where backslopes are steeper than 2:1 and where height of slope prevents contact between vehicles and trees.

2. Woody vegetation may be permitted beyond 8 feet from the ditch bottom so long as it does not interfere with other highway operations.
 3. No tree form woody vegetation located between, under or adjacent to bridges will be allowed to reach a height even with the bottom of the superstructure.
 4. Trees and brush will not be allowed to grow into, or clog ditches or other drainage ways.
- C. Highway with less than 10 foot distance from the edge of pavement to the right-of-way line.
1. No woody vegetation shall be permitted between the edge of the pavement and the right-of-way line, except where backslopes exceed 2:1 and where height of slope prevents contact between vehicles and trees.
 2. Vegetation behind guardrail should be controlled to the right-of-way line.
- D. Priorities of work to be performed.

Because of the quantity of work to be performed it is necessary to prioritize the work effort to provide for orderly control of unwanted woody vegetation. In general the following should apply, with categories of work being completed before proceeding to the next. The exception will be the active control of small vegetation through the application of herbicides to prevent the need for expensive mechanical control at later dates.

1. Trees known to be hazards based on reports from law enforcement agencies or observed to be damaged by collision with a vehicle.
2. Trees in categories B & C above and located on outside radii of curves.
3. Trees observed or reported to be deteriorating and of potential hazard to the public.
4. Trees on the cut slope or within the safety zone.
5. Trees located in ditch bottoms where an errant vehicle might be directed along the ditch into an impact.

6. Trees behind guardrail and around bridges.
7. Trees growing into INDOT fences or other structures.
8. Small trees or brush in any location where it is not desired.

It may be generally desirable to schedule tree and brush work in conjunction with resurface work. Critical trees may be more readily removed if considered as a part of safety upgrading of the facility.

All wood generated as a result of this policy shall be disposed of per Operating Procedure 13 of the Field Operations Manual. The stumps of all woody vegetation removed under this procedure shall be treated with herbicide to prevent sprouting except for coniferous (evergreen) species.

There are several areas in the state where particular trees have unique historic value. There are also designated scenic routes controlled by the Indiana Department of Natural Resources. Before INDOT can do routine work on trees in these areas special coordination with local historical societies or the Indiana Department of Natural Resources must be done. We will work closely with other agencies to preserve historic and scenic trees while maintaining the safety of the roadway.

NOTE: Prior to cutting trees where right-of-way lines are not clearly defined permission from adjacent property owners must be obtained. Particular care must be given to trees which may be owned by adjacent property owners under retained timber rights. Refer to Operating Procedure 13 for disposal of wood. Form M-46 should be used as needed to document property owner consent. This section will not apply to any limited access right-of-way.

GUIDELINES

The following are to be used as general guidelines on INDOT responsibility for trimming and removal of trees adjacent to the roadways. These guidelines do not cover every situation. Individual unique situations should be referred to the district landscape supervisor.

- A. INDOT will not normally maintain trees where property owners have retained timber rights. Where such trees are known to exist and where they are hazardous to persons using the highway, INDOT will advise the owner of his responsibility to remedy the situation. Where the owner fails to take action within a reasonable period of time, INDOT will remedy the situation in the least costly method available.
- B. INDOT will not maintain, remove or trim trees inside incorporated municipalities which are located in grassy strips, between the edge of pavement and sidewalk except that trimming or removal may be done if:

- a. A hazard exists that must be remedied and the city is unable to fulfill their obligation in a timely manner.
- b. INDOT has in the past assumed responsibility for tree care in a municipality and transfer of that responsibility to the municipality would cause a considerable hardship on it.

NOTE: Generally, incorporated municipalities have responsibility for maintenance of trees to the corporate boundaries even though there are no curbs or sidewalks and INDOT mows grass.

- C. INDOT will not trim or remove trees for aesthetic reasons if the requesting party has not indicated a suspicion of potential damage to his property or to motorists using the roadway. (i.e. the requesting party indicates he doesn't like the shape of the tree, or it affects his scenic view, or the tree is messy). INDOT will trim or remove trees when determined to be potential hazards to the roadway or to private property.
- D. Unincorporated municipalities shall be treated the same as rural sections for the purpose of this procedure.
- E. INDOT shall adhere to tree trimming and removal techniques which will result in the least possible chance of damage or hazard during the work period or in the future.

COMMENTS

This operating procedure replaces policy letters HO-MN-42 and HO-MN-83.